

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EMPIRE BONDING AGENCY, INC.,

Plaintiff,

v.

JOE MASTRAPA, BAIL YES, INC., ITS
FOR ALL MEDIA GROUP, and DOES 1
through 10

Defendants.

Civil Action No. 07 CV 5732 (GBD/DFE)

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law dated October 18, 2007, Plaintiff Empire Bonding Agency, Inc. will move this Court at Courtroom 15D, United States Courthouse Building, 500 Pearl Street, New York, New York, at such time as may be set by the Court, for an order, pursuant to Rule 12 (b) (6) of the Federal Rules of Civil Procedure, dismissing defendants' Counterclaim for Breach of Contract for failure to state a claim against the Plaintiff, Empire Bonding Agency, Inc.

Dated: New York, New York
October 18, 2007

GOTTLIEB, RACKMAN & REISMAN, P. C.

By: s/ George Gottlieb/
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